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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,268	01/23/2004	Philippe Serrano	86196-35	5789
28291	7590	03/22/2006		
FETHERSTONHAUGH - SMART & BIGGAR 1000 DE LA GAUCHETIERE WEST SUITE 3300 MONTREAL, QC H3B 4W5 CANADA			EXAMINER CAMPBELL, KELLY E	
			ART UNIT	PAPER NUMBER
			3618	

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/762,268	Applicant(s) SERRANO ET AL.	
	Examiner Kelly E. Campbell	Art Unit 3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/23/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 10-11, 18-19 and 28 rejected under 35 U.S.C. 102(b) as being anticipated by Umeda (US 4,325,451).

Umeda teaches a structure includes a pair of longitudinally extending structural members (263,264) defining a platform there between, in co-axial alignment, for mounting equipment inside a vehicle, the vehicle having a frame (11), the structure comprising: at least one structural member (26) defining a platform, said platform being characterized by a plurality of equipment bays adapted to receive equipment, gas engines (30,32);

a plurality of attachment sites (100) provided on said at least one structural member, said attachment site adapted to be resiliently attached (via spring 102,cylinder 101)to the frame (11)of the vehicle for suspending said platform inside the vehicle enclosure (24); wherein, when said structure is installed inside the vehicle, said platform is operative to maintain the equipment mounted thereto in a substantially rigid assembly during motion of the vehicle;

wherein each attachment site is adapted to receive at least one resilient mount\

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(101), said resilient mount being operative to isolate said platform from the frame of the vehicle when said structure is installed inside the vehicle;

wherein said resilient mount is selected from the group consisting of: a rubber mount, a spring, a damper, a pneumatic spring and a fluid-filled mount, wherein said platform is characterized by a plurality of equipment bays, each equipment bay adapted to receive a respective piece of equipment;

wherein said structure further includes a plurality of beam members extending transversely between said longitudinally extending structural members, said beam members being operative to delimit said equipment bays;

the platform is substantially independent from the rigidity of the frame of the vehicle when said structure is installed inside the vehicle;

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 12-17, 20-27 and 29-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Umeda (US 4,325,451).

With regards to the platform assembly being intended for mounting equipment inside a railcar, magnetically levitated vehicle, ship or airborne vehicle, a recitation of the intended use of the claimed invention must result in a structural difference between

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the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Umeda (US 4,325,451) as applied to claims 5 and 6 above, and further in view of Howell et al (US 4,770,427).

Umeda does not teach a fluid receptacle or attachment site on longitudinal structural frame members.

Howell et al teaches structure that includes a pair of longitudinally extending structural members (36) defining a platform there between for mounting equipment inside a vehicle, the vehicle having a frame (16), the platform being characterized by a plurality of equipment bays adapted to receive equipment, (64,54,44); wherein at least one attachment site is provided on each of said longitudinally extending structural members, see Figures 1-2 and wherein said platform includes a receptacle (54) for collecting fluids, said receptacle being positioned within one or more of said equipment bays such that said receptacle is located beneath one or more pieces of equipment when the one or more pieces of equipment are mounted to said platform.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a fluid reservoir on a vehicle for supply fluid to and engine as well known in the art and to further secure the platform apparatus to the frame via the longitudinal structure members for distributing the weight of the apparatus

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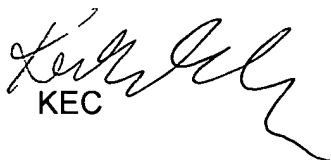
across the vehicle frame and to provide a more secure rigid connection between the platform apparatus and the frame.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly E. Campbell whose telephone number is (571) 272-6693. The examiner can normally be reached on 9:00-5:30 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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